

CALIFORNIA APPRENTICESHIP COUNCIL

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**CALIFORNIA APPRENTICESHIP COUNCIL FOURTH QUARTERLY
MEETING MINUTES
SHERATON PARK HOTEL - ANAHEIM
October 29 - 30, 2009**

Thursday– October 29, 2009

**I. CONVENE REGULAR QUARTERLY MEETING TO ORDER IN ORDER
TO RECESS TO CAC EXECUTIVE SESSION**

CAC Chairperson Carl Goff called the meeting to order at 11:10 a.m.

A. Roll Call

The following Commissioners were present: Carl Goff, Anne Quick, Wayne Lindholm, Neil Struthers, Pat McGinn, Donna Bechthold, Marvin Kropke, Dina Kimble, Richard Harris, Les DenHerder, Jose Millan, Julia Dozier, Kate Leyden, Acting Chief Glen Forman and David Rowan Chief Deputy Director sitting in for John Duncan, Director of Department of Industrial Relations
The following Commissioners were absent: Frank Secret, Aram Hodess and Cedric Porter.

A quorum was met.

B. The meeting was immediately adjourned to CAC Executive Session

II. EXECUTIVE SESSION – Executive Boardroom

The Council recessed to a closed executive session pursuant to Government Code §11123(q) to discuss litigation to which the Council is or may become a party.

1. OATELS – De-recognition Proceedings 29 CFR 29.13
2. Kern, Inyo & Mono Counties Plumbing, Pipefitter & Refrigeration/Air Conditioning Mechanic Joint Apprenticeship and Training Committee. Case # CPF – 08-508135
3. Plumbing-Heating-Cooling Contractors of the Greater Sacramento Area Plumbers Unilateral Apprenticeship Committee vs. California Apprenticeship Council and the Kern, Inyo & Mono Counties Plumbing, Pipefitter & Refrigeration/Air Conditioning Mechanic Joint Apprenticeship and Training Committee. Case No. S-1500-CV-268475

III. RECONVENE QUARTERLY CAC MEETING TO ORDER

A. Pledge of Allegiance

B. Approval of Minutes of previous meeting: July 30 – 31, 2009

It was moved and seconded that the minutes of the last CAC Quarterly meeting held on July 30 – 31, 2009 be accepted as written. All were in favor; the motion carried.

C. Announcements

1. There were no announcements.

E. Communications

1. Letter from the Attorney General's office recommending that the California Apprenticeship Council hold a closed executive session.
2. Chairperson Carl Goff appointed Commissioners Neil Struthers, Anne Quick and Julia Dozier as the nominating committee to elect a new Chairperson to preside over the 2010 CAC meetings.

IV. BUSINESS SESSION

A. Legal Matters – Lucy Wang

1. Lucy Wang, Attorney General's Office, San Francisco reported in the matter of OATELS – De-recognition Proceedings 29 CFR 29.13. The Council determined to defer this matter to the next Council meeting.
2. Ms. Wang reported in the matter of Kern, Inyo & Mono Counties Plumbing, Pipefitter & Refrigeration/Air Conditioning Mechanic Joint Apprenticeship and Training Committee vs. California Apprenticeship Council, that the Council decided to grant the appeal to deny PHCC's request for Kern County and a return with regard to the original writ that was filed and submitted to the San Francisco Superior Court. The matter is no longer before the Council.
3. Ms. Wang also reported in the matter Plumbing-Heating-Cooling Contractors of the Greater Sacramento Area Plumbers Unilateral Apprenticeship Committee vs. California Apprenticeship Council and the, Kern, Inyo & Mono Counties Plumbing, Pipefitter & Refrigeration/Air Conditioning Mechanic Joint Apprenticeship and Training Committee, and that the parties have stipulated to move the matter to Sacramento Superior Court and she will have more to report on this matter at the January 2010 CAC meeting.

B. CAC Appeal Panel Decisions

1. In the Matter of Sheet Metal Workers Local 104 and Bay Area Industry Training Fund, The Sacramento Valley Sheet Metal J.A.T.C. and the Fresno Sheet Metal J.A.T.C. vs. DAS Approval of the expansion of Geographic Area of Operations for the Air Conditioning Trades Association UA. Acting Chief Glen Forman reported that the matter was remanded back to DAS for further information and was submitted to CAC Chairperson Carl Goff. Commissioner Goff will appoint a 3-member panel and their decision will be submitted to the Council at the next meeting.

Clarification for Robert Fried, Atkinson, Andelson, Loya, Ruud & Romo, was made by Lucy Wang, Attorney General's Office to his comment that a panel had already been appointed. She explained that in accordance to the Appeals to the California Apprenticeship Council, Code of Regulations §203 the appeal board shall consist of one member of the Council representing an employee organization and one member representing an employer organization; the third member will be a member who does not represent either of the aforementioned groups and shall act as chair of the appeal board. She further went on to explain that the appeal came back to the Council approximately two weeks ago and therefore has not had a chance to go to any panel. A new panel will be chosen because part of the panel that was there before is no longer in the same capacity.

Jack Davis, Davis, Cowell & Bowe, representing the San Francisco Bay Area Sheet Metal Workers Training Trust made comment in opposition to Mr. Fried's comments. Mark Renner, Wylie, McBride, Platten & Renner stated that there has never been an evidentiary hearing in this matter. Mr. Renner also stated that he actually agreed with some of Mr. Fried's comments on jurisdictional disputes.

2. In the Matter of the Application of Geographic Expansion of Associated General Contractor of America San Diego Chapter, Inc. Construction Craft Laborer Joint Apprenticeship Committee. Commissioner Millan, Chairperson for the 3-member panel that reviewed this case, reported that the panel held an evidentiary hearing and in light of the dissenting opinion regarding accountability, the panel is continuing discussion in order to come to a unanimous decision on the condition that there not be a condition imposed on the expansion. Mr. Millan asked the Council for a vote on the recommendation that the Council adopt the decision. Commissioner DenHerder made a motion to accept panel's recommendation. The motion was seconded by Commissioner Quick.

Comments from Commissioners and the public were made:

It was stated that the reasons that the issues of the Laborers practices on dispatching were not addressed was because it was felt that the

Council did not need to get to that issue if it has been found that there has not been sufficient record that the AGC Program is yet in compliance after the DAS letter in June of 2008.

David Rowan, Chief Deputy Director of DIR stated that he and Acting Chief, Glen Forman met with the management of AGC organization to discuss what the future was going to hold. At the time of this meeting a new training Vice President was brought on board and changes were made. After this meeting there was a shift in the way issues were dealt with.

Commissioner Struthers stated his explanation for his dissenting vote on the matter.

Chairman Goff restated the motion as: The motion is to adopt the panel decision as written without the friendly amendments. A roll call vote was taken. The ayes carried the motion to adopt the panel decision as written with a vote of 11 to 3.

3. Charles Rabb v. Northern California Counties Drywall-Lathing Apprenticeship J.A.T.C. Commissioner Dozier, Chairperson for the three member panel reported the decision of the panel to uphold the decision of the Administrator and to deny the appeal. No comments from the public or the Council were made.
Commissioner DenHerder made a motion to accept the appeal panels' decision and Commissioner Quick seconded the motion. The motion was voted unanimously to support the decision of terminating Mr. Rabbs' Apprenticeship program.

C. Apprentice Complaint Findings / Decisions by the Administrator of Apprenticeship

Acting Chief Glen Forman reported the following decisions were made and appeals were denied:

1. Abraham Tabellija, Jr. v. Bay Area Sheet Metal J.A.C.
2. Halissi Holdman v. Los Angeles County Electrical J.A.T.C.

D. Automatic Orders of the Council

1. Acting Chief Glen Forman reported that there were no Automatic Orders of the Council.

E. Notice of Appeals the Council During the Quarter

Acting Chief Glen Forman reported the following Notice of Appeals need to have an appeal panel assigned:

1. Matthew Salfi v. The J.A.T.C. of the Plumbing & Pipe Fitting Industry U.A. Local 38.

2. Darrel J. Gardere, Jr. v. Pipe Trades J.A.T.C. of Santa Clara and San Benito Counties
3. Megan Garrett v. J.A.C. for the Operating Engineers for the 46 Counties of Northern California.
4. Southern California Cement Masons on Acting Chief of DAS approval of the Laborers Cement Masons Program.

F. DAS Audit Reports – Rachel Freeman, DAS Senior Audit Consultant

Ms. Freeman gave the following report:

Ms. Freeman reported that there were no official audit reports for this meeting due to enormous undertaking for the Statewide California Department of Corrections audit. The reports have been completed and will be reviewed by Ms. Freeman and DAS Acting Chief, Glen Forman. See attached for full report. Mr. Forman announced that all the audits for 2008 and forward are on the Governors' transparency website and available on the DAS website under "Reports".

G. Old Business

1. Minimum Industry Training Criteria Committee Reports
Acting Chief Glen Forman stated that there were no reports to be given. All programs will need new chairpersons for next year.

H. New Business

1. Proposed language change to 1777.1 (Legislation Committee). The Committee has agreed to table this matter until the next meeting.
2. Non-discrimination policy on Public Works
Mr. Forman suggested sending the matter to the Standards, Rules, Regulations & Operating Procedures Committee. Mr. Forman will send copies of suggested policies to Commissioner Hodess. Copies that are sent will be posted with the minutes.
3. Web base online distance learning training resolution
Commissioner McGinn, Chairman for the Related Supplemented Instruction asked that the Council adopt the proposed resolution. Discussions form the Council and the public were made. Commissioner Struthers asked how DAS would measure the results of best practices related to distance learning and the worst practices. Mr. Forman stated that DAS does not have a way of measuring the results and also stated that the Department of Education and the Community Colleges should be able to measure these results. Commissioner Struthers suggested that DAS monitor an exit survey of those graduating the program with distance learning.

Jack Davis, Davis, Cowell & Bowe suggested to the Council to follow their regulatory process that the resolution be written in the form of a regulation.

Commissioner McGinn made a motion to adopt the resolution and a second was made. A vote was taken and the resolution was adopted.

4. Proposed regulation changes on apprentice complaints

Mr. Forman reported that the matter will be addressed at the next meeting.

Lucy Wang, Attorney General's Office interjected with a completion of her earlier report on the OATELS matter: The Council decided to defer the matter until the next meeting and asked Chairman Goff to take a vote from the Council. A motion and a second to defer the OATELS matter to the next meeting was made. The motion carried.

I. Education Agency Report

Dr. Barry Noonan, California Community Colleges Chancellor's Office gave his report. See attachment.

V. APPRENTICESHIP FORUM

A. Cooperative Workforce Partnerships – Virginia Hamilton

DAS Area Administrator, Renee Bacchini reported that Ms. Hamilton was unable to attend the meeting.

Ms. Bacchini gave the following report on the “I Built It – Youth” video which is scheduled to be announced at a press conference on November 9, 2009 in Sacramento at Grant Union High School. DIR Director John C. Duncan, State Superintendent of Public Instruction Jack O'Connell, Deputy Secretary of Education Anne McKinney, Acting Secretary of the Labor and Workforce Development Agency Doug Hoffner and Grant High School Principal Craig Murray will help launch the campaign. She presented the video as a preview to attendees. David Rowan, Chief Deputy Director stated that State Superintendent of Public Instruction Jack O'Connell is committed to getting the video to every High School and Jr. High School across the State of California.

Commissioner Quick announced that the State Contract License Board has issued the first penalty of \$2,000.00 to a contractor who was using uncertified electricians.

Darell Lawrence announced that the California Apprenticeship Coordinators Association will be meeting directly after the conclusion of the CAC meeting.

VI. Adjournment

The meeting was adjourned at 3:42 p.m.

Friday – October 30, 2009 (reconvened)

I. RECONVENE QUARTERLY CAC MEETING OT ORDER

A. Pledge of Allegiance was let by CAC Chairman Goff

B. Roll Call

The following Commissioners were present: Carl Goff, Anne Quick, Pat McGinn, Donna Bechthold, Marvin Kropke, Aram Hodess, Dina Kimble, Les DenHerder, Julia Dozier, Kate Leyden, Acting Chief, Glen Forman, and David Rowan for John Duncan. A quorum was met.

The following Commissioners were absent: Richard Harris, Wayne Lindholm, Jose Millan, Cedric Porter, Frank Secreet, and Neil Struthers.

C. Announcements

1. Appointment of the new 2010 Chairperson. On behalf of Julia Dozier, Chairman Goff announced that Commissioner Les DenHerder has been selected as the next Chairperson of the 2010 California Apprenticeship Council. Congratulations were in order.

D. Communications

No announcements at this time.

II. CAC STANDING COMMITTEE REPORTS

A. CAC/CCA Liaison Committee – Jose Oscar Padilla standing in for Don Davis gave his report. The report is posted on the website.

B. Related Supplemental Instruction Committee – Chairperson Pat McGinn - The report is posted on the website.

C. Legislation Committee – Chairperson Dina Kimble – The report is posted on the website.

D. Public Relations & Publicity Committee – Commissioner Donna Bechthold standing in for Chairman Porter - Report on the website.

E. Equal Opportunity in Apprenticeship – Commissioner Julia Dozier - The report is posted on the website.

F. Standards, Rules, Regulations & Operating Procedures – Chairperson Aram Hodess - The report is posted on the website.

III. EDUCATION AGENCIES REPORT

A. California Department of Education

- John Dunn presented his report to the CAC. His report is posted as an attachment to these minutes.

B. California Community Colleges – Dr. Barry Noonan

- Dr. Noonan's gave his report on Thursday. His report will be posted as an attachment to the minutes.

IV. REPORTS OF ADMINISTRATIVE and COOPERATING AGENCIES

A. Division of Apprenticeship Standards – Chief's Report – (Report is an attachment to the minutes posted on the website.)

B. Office of Apprenticeship (OA) – The report was presented by Rick Davis, Department of Labor. (Report is posted on the website).

C. California Apprenticeship Coordinators Association (CACA) The report was presented by Darell Lawrence. (report is posted on the website)

D. California Association for the Advancement of Apprenticeship Training (CAAAT) The report was presented by Christine Hall (report is posted on the website)

E. Women in Non-traditional Employment roles (W.I.N.T.E.R.)
No report was given.

V. ADJOURNMENT

It was moved and seconded that the meeting be adjourned.
The meeting was adjourned at 9:55 a.m.